

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>1/5/2021</u>
--

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
DR. ANDREW KERR,	:
	:
Plaintiff,	:
	:
-against-	:
	:
PHYSICIAN AFFILIATE GROUP OF NEW	:
YORK P.C., and DR. HUSSEIN MATARI,	:
	:
Defendants:	:
-----X	

17-cv-1777 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on November 4, 2020, the parties filed motions *in limine* (Dkts. 172, 173);

IT IS HEREBY ORDERED THAT:

1. Oral argument on the parties' motions will be held on **February 1, 2021 at 10:00**

a.m. The parties must appear for the hearing by dialing 888-363-4749, using the access code 3121171 and the security code 1777.

2. No later than **January 15, 2021**, Defendants must submit a reply brief, no more than

ten pages double-spaced, addressing the following three issues. First, Defendants must elaborate on their request to exclude "evidence regarding the five alleged adverse actions underlying the dismissed discrimination claim," and explain what specific evidence, given Plaintiff's opposition, Defendant is moving to exclude.

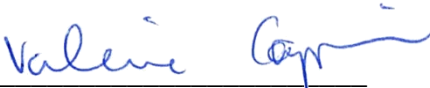
Second, Defendants must address: (i) whether Plaintiff identified Dr. Leslie Kerr as a witness in his initial disclosures; (ii) whether Dr. Leslie Kerr's treatment notes were requested and provided during discovery; and (iii) whether, if the Court allows Dr.

Leslie Kerr to testify as a witness, Defendants will request an Independent Medical Examination of Plaintiff. Third, Defendants must indicate whether they plan to

contest that Dr. Kerr's internal complaint constituted protected activity for purposes of his retaliation claim.

SO ORDERED.

Date: January 5, 2021
New York, New York



VALERIE CAPRONI
United States District Judge